

REMARKS

The Applicants wish to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated February 28, 2005 has been received and carefully reviewed. Claims 15, and 22-24 have been amended. Claim 21 has been canceled. Claims 1-20 and 22-26 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action rejected claims 1, 3-5, and 14 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,051,858 to *Mele* (hereinafter “*Mele*”) in view of U.S. Patent No. 4,473,060 to *Bangerter* (hereinafter “*Bangerter*”). The Applicants respectfully traverse this rejection.

There is no motivation to combine the references. In order to establish a prima facie case of obviousness, there must at least be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. See MPEP § 2142. Furthermore, the teaching or suggestion which results in the claimed combination must be found in the references themselves and not be based on the disclosure of the Applicant’s using improper hindsight. The references must expressly or impliedly suggest the claimed invention or the Office Action must have a convincing line of reasoning as to why one of ordinary skill in the art would have found the claimed invention obvious in light of the references in order to support the conclusion that the claimed invention is directed to obvious subject matter.

When the motivation to combine the references is not immediately apparent, the Office Action must explain why the combination of the teachings is proper. The fact that references may be combined does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. See M.P.E.P. § 2143.01. Therefore, the fact that

the references may indicate all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the reference.

In view of the above, and for the additional reasons set forth below, the Applicant respectfully submits that a prima facie case of obviousness has not been established with regard to the presently claimed invention.

Mele discloses a solvent sink and dispenser for cleaning automotive parts. *See e.g.*, col. 1, ll. 53-55 and the Abstract. *Bangerter* relates to an efficient heating unit fired with inexpensive non-petroleum based fuels, such as wood. According to *Bangerter*, the heating unit is capable of capturing substantially all of the heat produced by combustion of the fuel and directing the heat for various heating applications. *See e.g.*, col. 1, ll. 5-12 and ll. 60-62. *Mele* does not disclose or even suggest the desirability of somehow incorporating a drying feature as taught in *Bangerter* with the solvent sink to achieve drying. Similarly, *Bangerter* does not disclose or even suggest the desirability of incorporating the solvent sink of *Mele* with the heating unit. Therefore, the prior art references in combination do not suggest the claimed invention as a whole. Absent any objective motivation to combine the references, the Applicant respectfully submits that the Office Action merely pieces together isolated disclosures of the cited references using the present invention as a template with impermissible hindsight. Accordingly, one of ordinary skill would not have been motivated to combine the teachings of these two references as suggested by the Official Action.

Furthermore, according to Chapter 2141.01(a) of the M.P.E.P., a reference relied upon under 35 U.S.C. § 103 must be an analogous reference. In order to rely on a reference as a basis for rejection of an Appellant's invention, the reference must either be in the field of Appellant's endeavor or, if not, then be reasonably pertinent to the particular problem with which

the inventor was concerned. The Applicants respectfully submit that *Mele* is nonanalogous nor does it address the particular problem that is of concern in *Bangerter* and the present application. Thus, it is not available as a reference under 35 U.S.C. § 103.

Bangerter is not in *Mele*'s field of endeavor. As previously discussed, *Mele* relates to a solvent sink and dispenser which cleans automotive parts. The main objectives of *Mele* are to provide a cleaning station which is usable by two people and to protect against fire originating in the sink area of the cleaning station. See e.g., col. 1, ll. 53-59. In contrast, *Bangerter* relates to a heating unit as described above. The main objective of *Bangerter* is to provide a non-petroleum based fuel fired heating unit generates a contaminant free supply of warm air and hot water to a building. See e.g., col. 2, ll. 29-34. The solvent sink disclosed in *Mele* and the heating unit disclosed in *Bangerter* are physically and functionally different from each other. Thus, *Mele* and *Bangerter* describe completely non-analogous subject matter. Moreover, the problems solved by *Mele* and *Bangerter* are completely different: cleaning automotive parts and heating a building.

Because the fields of endeavor of *Mele* and *Bangerter* are completely different and because they are directed to solving completely different problems, one of ordinary skill in the art considering the problems addressed by one would not turn to the other for a solution. Therefore, one of ordinary skill would not have been motivated to combine the teachings of these two references as suggested by the Official Action. Accordingly, the Applicant respectfully submits that claim 1 is patentable over *Mele* in view of *Bangerter* under 35 U.S.C. §103(a) and requests that the rejection be withdrawn. For at least the same reasons, claim 3-5 and 14, which depend from claim 1, are also patentable over the cited references.

The Office Action also rejected claims 2, 6, and 13 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of *Bangerter*. The Applicants respectfully traverse the rejection. As discussed above, claim 1, from which claims 2, 6, and 13 depend, is patentable over *Mele* in

view of *Bangerter*. Accordingly, *Mele* cannot disclose or suggest all the limitations recited in claims 2, 6, and 13. Thus, the Applicants respectfully submit that 2, 6, and 13 are patentable over *Mele* under 35 U.S.C. § 103(a) and request that the rejection be withdrawn.

The Office Action also rejected claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of *Bangerter* in further view of U.S. Patent No. 4,669,200 to *Carr* (hereinafter “*Carr*”). The Applicants traverse the rejection.

As required in chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” Claim 7 includes “a plurality of fastening pieces.” The Office Action indicates that *Carr* discloses fastening pieces 52 and 54. The Applicants respectfully disagree. In particular, items 52 and 54 are first and second loops which are part of a sealing web 50. The first loop 52 and the second loop 54 form seals to retain heat within a dryer drum 22. *See e.g.*, col. 2, ll. 44-54. The first loop and the second loop do not, structurally nor functionally, constitute fastening pieces. Therefore, the Applicants submit that *Carr* does not disclose “a plurality of fastening pieces” as recited in claim 7 and requests that the rejection be withdrawn.

Claim 8 includes a flange and fastening holes. The Office Action alleges that *Carr* discloses “first and second flanges at column 2 lines 45-59, and inserting holes at column 2 line 68 wherein the disclosed stitching is considered patentably equivalent to the claimed inserting holes because to those skilled in the art stitching involves threading inserted through holes.” See Office Action at page 3. The Applicants respectfully disagree for a number of reasons.

First, a flange, as recited in claim 8, is not disclosed in the cited portion of the reference or anywhere else in the reference. Accordingly, *Carr* cannot disclose a first flange for a fire plate. Second, as previously discussed, items 52 and 54 referred to in the Office Action are not fastening pieces. Third, even assuming *arguendo* that the first loop 52 and the second loop 54

are fastening pieces, *Carr* still fails to disclose fastening holes “receiving the fastening pieces” as recited in claim 8. Assuming *arguendo* that the stitching does involve fastening holes and the first loop 52 and the second loop 54 constitute fastening pieces, *Carr* still does not show that the stitching holes receive the first loop 52 and the second loop 54, as required by the claim. For all of these reasons, the Applicants submit that claims 7-12 are patentable over the cited references.

The Office Action also rejected claims 15 and 18-25 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of U.S. Patent No. 6,119,678 to *Marchand* (hereinafter “*Marchand*”). The Applicants traverse the rejection and request reconsideration of the same. Neither *Mele* nor *Marchand*, either singularly or in combination, disclose all the elements recited in claim 15. In particular, claim 15 has been amended to include a portion of the subject matter recited in previously pending claims 21 and 22. To further illustrate, claim 15 has been amended to recite a laundry dryer comprising, among other features, a “fire plate having a first flange with a plurality of first fastening holes” and a cabinet holder which includes “a plurality of fastening pieces on an underside of the cabinet holder wherein the plurality of first fastening holes receive the plurality of fastening pieces.” As discussed above, *Mele* does not disclose these features. Similarly, *Marchand* does not disclose these features. Therefore, claim 15 is patentable over *Mele* in view of *Marchand* and the Applicants request withdrawal of the rejection. In addition, claims 18-25, which depend from claim 15, are also patentable for at least the same reasons.

Additionally, the Office Action rejected claims 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over *Mele* in view of *Marchand* in further view of U.S. Patent No. 4,469,083 to *Helle et al.* (hereinafter “*Helle*”). The rejection is traversed and reconsideration is requested. As discussed above, neither *Mele* nor *Marchand*, either singularly or in combination, disclose each and every element recited in claim 15, from which claims 16 and 17 depend. Likewise, *Helle* fails to overcome the shortcomings of both *Mele* and *Marchand*, namely a “fire plate

having a first flange with a plurality of first fastening holes” and a cabinet holder which “includes a plurality of fastening pieces on an underside of the cabinet holder wherein the plurality of first fastening holes receive the plurality of fastening pieces.” Therefore, the Applicants submit that claims 16 and 17 are patentable over *Mele* in view of *Marchand* in further view of *Helle* under 35 U.S.C. § 103(a) and request that the rejection be withdrawn.

Furthermore, the Office Action rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Carr* in view of JP 2001212396 to *Masaru et al.* (hereinafter “*Masaru*”). The Applicants traverse the rejection. Claim 26 recites a laundry dryer top cover assembly comprising, among other features, “a cabinet holder being configured to fasten the fire plate to the side plate wherein the cabinet holder includes a plurality of fastening pieces configured for insertion into the fire plate and the side plate.” As discussed above, *Carr* does not disclose a cabinet holder which includes a plurality of fastening pieces configured for insertion into the fire plate and the side plate as recited in claim 26. Furthermore, *Masaru* fails to address this shortcoming. Thus, the Applicants submit that claim 26 is patentable over *Carr* in view of *Masaru* and request that the rejection be withdrawn.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner has any questions regarding this application, the Examiner may call the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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